

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO: 1:18-CV-00091-LCB-JLW**

SHARON K. WHITEHEAD, Individually and)
as Executrix of the Estate of JAMES T.)
WHITEHEAD, Deceased,)

)

Plaintiffs,)

)

v.)

)

AIR & LIQUID SYSTEMS CORPORATION,)
individually and as successor-in-interest to)
BUFFALO PUMPS, et al.,)

)

Defendants.)

DEFENDANT RESEARCH-COTTRELL, INC.'S
MOTION FOR SUMMARY JUDGMENT

Defendant Research-Cottrell, Inc. n/k/a AWT Air Company, Inc. (hereinafter “Research-Cottrell”) by and through its undersigned counsel, hereby respectfully moves this Court pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rules 7.2, 7.3 and 56.1 for an order granting summary judgment to Research-Cottrell on the grounds that there is no genuine issue of material fact as shown by the pleadings, depositions, discovery and/or other materials submitted to the Court. Therefore, Research-Cottrell is entitled to judgment and a dismissal from this action as a matter of law. Specifically, Plaintiff has failed to present any evidence in this matter which establishes that Decedent James T. Whitehead (“Mr. Whitehead”) was exposed to asbestos-containing products manufactured, distributed, or sold by Research-Cottrell or for which it might otherwise be liable, and further failed to present evidence that such alleged exposure was a substantial

factor in causing Mr. Whitehead's alleged injuries and subsequent death. This Motion is based upon the pleadings and discovery, and by those grounds, arguments and authorities as provided in more detail in Research-Cottrell's supporting brief filed contemporaneously herewith.

WHEREFORE, for these reasons and as more fully set forth in Research-Cottrell's Brief in Support of its Motion for Summary Judgment, Plaintiff's claims fail as a matter of law; and Research-Cottrell respectfully requests that this Court grant Summary Judgment in its favor on all of Plaintiff's claims, and for such other and further relief as is appropriate.

Respectfully submitted this the 16th day of March, 2020.

s/ Kelly Jones
Kelly Jones, Esq., N.C. Bar No. 24328
NEXSEN PRUET, PLLC
4141 Parklake Ave., Suite 200
Raleigh, NC 27612
Telephone: 919-882-7870
Facsimile: 919-573-7455
Email: kjones@nexsenpruet.com
Attorneys for Research-Cottrell, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 16, 2020, she filed the foregoing **RESEARCH-COTTRELL, INC.'S MOTION FOR SUMMARY JUDGMENT** via ECF filing which will serve all counsel of record in the above-referenced matter.

s/ Kelly Jones
Kelly Jones, Esq., N.C. Bar No. 24328
NEXSEN PRUET, PLLC
4141 Parklake Ave., Suite 200
Raleigh, NC 27612
Telephone: 919-882-7870
Facsimile: 919-573-7455
Email: kjones@nexsenpruet.com
Attorneys for Research-Cottrell, Inc.